

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION

THE BOARD OF EDUCATION OF SHELBY)
COUNTY, TENNESSEE,)

Plaintiff/Counter-Defendant,)

v.)

THE MEMPHIS CITY BOARD OF)
EDUCATION, et al.,)

Defendants.)

Case No. 2:11-cv-02101-SHM-cgc

THE BOARD OF COUNTY)
COMMISSIONERS OF SHELBY COUNTY,)
TENNESSEE, et al.,)

Third-Party Plaintiffs,)

v.)

ROBERT E. COOPER, JR., et al.,)

Third-Party Defendants.)

**MEMPHIS EDUCATION ASSOCIATION’S APPLICATION FOR A
PRELIMINARY INJUNCTION**

The Intervening Defendant Memphis Education Association (“MEA”) submits this Application for a Preliminary Injunction pursuant to Fed. R. Civ. P. 65 and L.R. 65. The MEA is seeking injunctive relief to address actions taken by officials of the Plaintiff Shelby County Board of Education (“Board of Education”) to “excess,” or lay off,

current Memphis City Schools teachers in a way that is contrary to their rights under the Tenure Law, Tenn. Code Ann. §§ 49-5-501 et seq. and hence their constitutional rights under the Fourteenth Amendment; contrary to their rights under the collective bargaining agreement, or Memorandum of Understanding (“MOU”), with the Board of Education of the Memphis City Schools; and contrary to their general right or privilege of employment.¹

The MEA respectfully requests that this Court enjoin the Shelby County Board of Education from taking any actions to lay off or “excess” current Memphis City Schools teachers in any way that impairs, interrupts, or diminishes their rights and privileges protected under Tenn. Code Ann. § 49-5-203. Specifically, the MEA requests that the Court enjoin the Board of Education from (1) laying off tenured teachers due to abolition of their particular positions at particular schools if there are available positions for which they are qualified at other schools in the unified system; (2) laying off or “excessing” current Memphis City Schools teachers in any fashion contrary to the process outlined in Article 14 of the MOU; and (3) exercising broad, general discretion in not hiring current Memphis City Schools teachers for 2013-14 while opening up teaching vacancies to new hires.

In further support of this Application for a Preliminary Injunction, the MEA relies upon the following documents being filed contemporaneously herewith: A Memorandum of Law, the Affidavit of Willette Stewart, the Affidavit of Marcia Plunk, the Affidavit of Jan Langford, the Affidavit of John Fleming, Jr, the Affidavit of Tammy Dennis, the Affidavit of Debbie Bledsoe, and the Affidavit of Ken Foster.

¹ The MOU is in the record at ECF Doc. No. 148-3.

**THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF
FILED BY THE MEA IN THIS MATTER.**

Respectfully Submitted,

/s Richard L. Colbert
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*Attorneys for Shelby County Education
Association (motion to intervene
pending) and Memphis Education
Association*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served upon all Filing Users through the Electronic filing system on this 28th day of May, 2013. A courtesy copy has also been provided to Special Master Rick Masson, 119 South Main, Suite 600, Memphis, Tennessee, 38103.

/s Richard L. Colbert
Richard L. Colbert